



General Assembly

January Session, 2003

Raised Bill No. 900

LCO No. 3000

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COURT OPERATIONS AND TECHNICAL REVISIONS TO CERTAIN STATUTES PERTAINING TO THE JUDICIAL BRANCH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-13 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Commissioner of Public Works may make regulations for
4 the maintenance of order on and the use of parking areas on any
5 property owned by the state or under the supervision of said
6 commissioner, except as provided in sections 2-71h, 10a-79, 10a-92 and
7 10a-139 and except for properties under the supervision, care and
8 control of the Chief Court Administrator. Any person violating any
9 such regulation shall be fined not more than seventy-five dollars and
10 the vehicle in violation of such regulation may be towed. The
11 enforcement of such regulations shall be by special policemen
12 appointed under section 29-18 and by Department of Public Works
13 buildings and grounds patrol officers, except that only such special
14 policemen may tow, or cause the towing of, such vehicles.

15 (b) The Chief Court Administrator may establish policies and
16 procedures for the maintenance of order and the use of parking areas
17 on any property under the supervision, care and control of the Chief
18 Court Administrator. Such policies and procedures may provide that
19 any vehicle parked on such property in violation of such policies and
20 procedures shall be towed.

21 [(b)] (c) Each state agency shall develop a program to encourage its
22 employees to use mass transportation. Such program shall address the
23 feasibility of restricting the amount of free parking by at least ten per
24 cent for those state employees who work in urban areas and for
25 providing such employees with subsidies to ride mass transportation.
26 Each state agency shall submit its program to the Department of Public
27 Works. [no later than January 1, 1992.] For the purposes of this
28 [section] subsection, "state agency" means each state department, office
29 or other agency of the state; and "urban area" means any town or city
30 having a population of seventy-five thousand or more or any town or
31 city in which one hundred or more state employees are employed at
32 the same site. The Secretary of the Office of Policy and Management, in
33 consultation with the Commissioner of Public Works, shall adopt
34 regulations, in accordance with the provisions of chapter 54, after
35 receipt of and pursuant to each state agency's plan to determine the
36 amount and process by which a state employee may obtain a subsidy.

37 Sec. 2. Subsection (a) of section 6-32d of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2003*):

40 (a) Except as otherwise agreed between the [advisory board] judicial
41 branch and the Department of Correction or other appropriate agency,
42 [as of April 12, 2000,] the responsibility for transportation and custody
43 of prisoners shall be assumed as follows:

44 (1) The [Judicial Department] judicial branch shall be responsible for
45 the transportation of male prisoners between courthouses and: (A)
46 Community correction centers, until sentencing; (B) other places of

47 confinement after arraignment and until sentencing; and (C) the place
48 of initial confinement, after sentencing. In addition, the [Judicial
49 Department] judicial branch shall be responsible for the transportation
50 of adult female prisoners between courthouses and community
51 correction centers, not including the correctional institution at Niantic.
52 If such transportation is in other than state vehicles, the owner of the
53 vehicle used shall be reimbursed by the state at the rate then
54 established for state employees within the Office of Policy and
55 Management.

56 (2) The Department of Correction shall be responsible for the
57 transportation of adult female prisoners between places of
58 confinement and either courthouses or community correction centers,
59 at the discretion of the Commissioner of Correction. In the
60 transportation of prisoners between courthouses and community
61 correctional centers, there shall be complete separation of male and
62 female prisoners.

63 (3) The [Judicial Department] judicial branch shall be responsible for
64 the custody of prisoners at courthouses, except that the local police
65 operating any lockup which is designated by the Chief Court
66 Administrator as a courthouse lockup shall be responsible for the
67 custody of prisoners within that lockup. In addition, if such designated
68 lockup is not in the same building as the courthouse serviced by it, the
69 local police operating such designated lockup shall be responsible for
70 escorting prisoners from the lockup to the courthouse. The town in
71 which such a designated lockup is located shall be reimbursed
72 pursuant to section 7-135a.

73 (4) In Hartford County, the Lafayette Street courthouse shall be
74 used as housing for persons arrested by the police department of the
75 city of Hartford and held for presentment at the next session of the
76 court pursuant to the following terms and conditions: (A) No arrestees
77 shall be admitted or released directly to or from the lockup, and no
78 social visits shall be permitted at the lockup; (B) all processing and

79 booking shall be accomplished by the police department of the city of
80 Hartford at its booking facility; (C) after arrival at the lockup and prior
81 to arraignment, the release of any arrestee, with or without bond, shall
82 be accomplished by the police department of the city of Hartford from
83 its booking facility; and (D) the [Judicial Department] judicial branch
84 shall be responsible for the operation of the lockup at the Lafayette
85 Street courthouse and the transportation of arrestees prior to
86 arraignment from the Morgan Street facility or other booking facility of
87 the police department of the city of Hartford.

88 Sec. 3. Subsection (b) of section 15-133c of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2003*):

91 (b) [A certified copy] Notice of a conviction for a violation of section
92 15-133 or 15-134 shall be [sent within] given no later than thirty days
93 [of] after such conviction to the Commissioner of Environmental
94 Protection without charge by the clerk of the court [wherein] in which
95 such conviction has been [had] rendered.

96 Sec. 4. Subsection (e) of section 46b-15 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2003*):

99 (e) The applicant shall cause notice of the hearing pursuant to
100 subsection (b) of this section and a copy of the application and the
101 applicant's affidavit and of any ex parte order issued pursuant to
102 subsection (b) of this section to be served on the respondent not less
103 than five days before the hearing. The cost of such service shall be paid
104 for by the judicial branch. Upon the granting of an ex parte order, the
105 clerk of the court shall provide two certified copies of the order to the
106 applicant. Upon the granting of an order after notice and hearing, the
107 clerk of the court shall provide two certified copies of the order to the
108 applicant and a copy to the respondent. Every order of the court made
109 in accordance with this section after notice and hearing shall contain
110 the following language: "This court had jurisdiction over the parties

111 and the subject matter when it issued this protection order.
112 Respondent was afforded both notice and opportunity to be heard in
113 the hearing that gave rise to this order. Pursuant to the Violence
114 Against Women Act of 1994, 18 USC 2265, this order is valid and
115 enforceable in all fifty states, any territory or possession of the United
116 States, the District of Columbia, the Commonwealth of Puerto Rico
117 and tribal lands." Immediately after making service on the respondent,
118 the [state marshal] proper officer shall provide a true and attested copy
119 of any ex parte order, including the applicant's affidavit and a cover
120 sheet stating the date and time the respondent was served, to the law
121 enforcement agency for the town in which the applicant resides. If the
122 respondent does not reside in such town, the [state marshal] proper
123 officer shall immediately transmit by facsimile a true and attested copy
124 of the order, including the applicant's affidavit, to the law enforcement
125 agency for the town in which the respondent resides. The clerk of the
126 court shall send, by facsimile or other means, a copy of any ex parte
127 order and of any order after notice and hearing, or the information
128 contained in any such order, to the law enforcement agency for the
129 town in which the applicant resides and, if the respondent resides in a
130 town different than the town in which the applicant resides, to the law
131 enforcement agency for the town in which the respondent resides,
132 within forty-eight hours of the issuance of such order. If the applicant
133 is employed in a town different than the town in which the applicant
134 resides, the clerk of the court shall send, by facsimile or other means, a
135 copy of any such order, or the information contained in any such
136 order, to the law enforcement agency for the town in which the
137 applicant is employed within forty-eight hours of the issuance of such
138 order. If the applicant is employed in a town different than the town in
139 which the applicant resides, or in which the respondent resides, the
140 [state marshal] proper officer shall transmit by facsimile a true and
141 attested copy of any such order, including the applicant's affidavit, to
142 the law enforcement agency for the town in which the applicant is
143 employed.

144 Sec. 5. Subsection (e) of section 46b-38c of the general statutes is

145 repealed and the following is substituted in lieu thereof (*Effective*
146 *October 1, 2003*):

147 (e) A protective order issued under this section may include
148 provisions necessary to protect the victim from threats, harassment,
149 injury or intimidation by the defendant, including, but not limited to,
150 an order enjoining the defendant from (1) imposing any restraint upon
151 the person or liberty of the victim, (2) threatening, harassing,
152 assaulting, molesting or sexually assaulting the victim, or (3) entering
153 the family dwelling or the dwelling of the victim. Such order shall be
154 made a condition of the bail or release of the defendant and shall
155 contain the following language: "In accordance with section 53a-223,
156 any violation of this order constitutes criminal violation of a protective
157 order which is punishable by a term of imprisonment of not more than
158 five years, a fine of not more than five thousand dollars, or both.
159 Additionally, in accordance with section 53a-107, entering or
160 remaining in a building or any other premises in violation of this order
161 constitutes criminal trespass in the first degree [These are criminal
162 offenses each] which is punishable by a term of imprisonment of not
163 more than one year, a fine of not more than two thousand dollars, or
164 both. Violation of this order also violates a condition of your bail or
165 release, and may result in raising the amount of bail or revoking
166 release." Every order of the court made in accordance with this section
167 after notice and hearing shall also contain the following language:
168 "This court had jurisdiction over the parties and the subject matter
169 when it issued this protection order. Respondent was afforded both
170 notice and opportunity to be heard in the hearing that gave rise to this
171 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
172 2265, this order is valid and enforceable in all fifty states, any territory
173 or possession of the United States, the District of Columbia, the
174 Commonwealth of Puerto Rico and tribal lands." The information
175 contained in and concerning the issuance of any protective order
176 issued under this section shall be entered in the registry of protective
177 orders pursuant to section 51-5c.

178 Sec. 6. Section 46b-38h of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective October 1, 2003*):

180 If any person is convicted of a violation of section 53a-59, 53a-59a,
181 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-
182 72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-223, [or] 53a-223a or
183 53a-223b, against a family or household member, as defined in section
184 46b-38a, or a person in a dating relationship, the court shall include a
185 designation that such conviction involved domestic violence on the
186 court record for the purposes of criminal history record information, as
187 defined in subsection (a) of section 54-142g.

188 Sec. 7. Section 46b-122 of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective October 1, 2003*):

190 All matters which are juvenile matters, as defined in section 46b-
191 121, shall be kept separate and apart from all other business of the
192 Superior Court as far as is practicable, except matters transferred
193 under the provisions of section 46b-127, which matters shall be
194 transferred to the regular criminal docket of [said] the Superior Court.
195 Any judge hearing a juvenile matter [shall] may, during such hearing,
196 exclude from the room in which such hearing is held any person
197 whose presence is, in the court's opinion, not necessary, except that in
198 delinquency proceedings any victim of the delinquent act, the parents
199 or guardian of such victim and any victim advocate appointed
200 pursuant to section 54-221 shall not be excluded unless the judge
201 specifically orders otherwise.

202 Sec. 8. Section 46b-124 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective October 1, 2003*):

204 (a) For the purposes of this section:

205 (1) "Juvenile matters" has the same meaning as provided in section
206 46b-121; and

207 (2) "Records of cases of juvenile matters" includes, but is not limited

208 to, court records, records regarding juveniles maintained by the Court
209 Support Services Division, records regarding juveniles maintained by
210 an organization or agency that has contracted with the judicial branch
211 to provide services to juveniles, records of law enforcement agencies
212 including fingerprints, photographs and physical descriptions, and
213 medical, psychological, psychiatric and social welfare studies and
214 reports by probation officers, public or private institutions, social
215 agencies and clinics.

216 [(a)] (b) All records of cases of juvenile matters, [as defined in
217 section 46b-121,] except delinquency proceedings, or any part thereof,
218 and all records of appeals from probate brought to the superior court
219 for juvenile matters pursuant to subsection (b) of section 45a-186,
220 [including studies and reports by probation officers, social agencies
221 and clinics,] shall be confidential and for the use of the court in
222 juvenile matters, and open to inspection or disclosure to any third
223 party, including bona fide researchers commissioned by a state agency,
224 only upon order of the Superior Court, except that (1) the records
225 concerning any matter transferred from a court of probate pursuant to
226 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
227 probate to the superior court for juvenile matters pursuant to
228 subsection (b) of section 45a-186 shall be available to the court of
229 probate from which such matter was transferred or from which such
230 appeal was taken, (2) such records shall be available to (A) the attorney
231 representing the child or youth, including the Division of Public
232 Defender Services, in any proceeding in which such records are
233 relevant, (B) the parents or guardian of the child or youth until such
234 time as the child or youth reaches the age of majority or becomes
235 emancipated, (C) an adult adopted person in accordance with the
236 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
237 inclusive, (D) employees of the Division of Criminal Justice who in the
238 performance of their duties require access to such records, (E)
239 employees of the judicial branch who in the performance of their
240 duties require access to such records, (F) another court under the
241 provisions of subsection (d) of section 46b-115j, (G) the subject of the

242 record, upon submission of satisfactory proof of the subject's identity,
243 pursuant to guidelines prescribed by the Office of the Chief Court
244 Administrator, [and] provided the subject has reached the age of
245 majority or has been emancipated, and (H) the Department of Children
246 and Families. Any record of cases of juvenile matters, or any part
247 thereof, [forwarded by said court or any of its employees] provided to
248 any persons, governmental and private agencies, and institutions []
249 pursuant to this section shall not be disclosed, directly or indirectly, to
250 any third party not specified in subsection [(c)] (d) of this section, [save
251 upon order of said court or] except as provided by court order or in the
252 report required under section 54-76d or 54-91a.

253 [(b)] (c) All records of cases of juvenile matters involving
254 delinquency proceedings, or any part thereof, [including court records,
255 records of law enforcement agencies including fingerprints,
256 photographs and physical descriptions, and medical, psychological,
257 psychiatric and social welfare studies and reports by probation
258 officers, public or private institutions, social agencies and clinics,] shall
259 be confidential and for the use of the court in juvenile matters and
260 shall not be disclosed except as provided in this section.

261 [(c)] (d) Records of cases of juvenile matters involving delinquency
262 proceedings shall be available to (1) [Judicial Department] judicial
263 branch employees who, in the performance of their duties, require
264 access to such records, and (2) employees and authorized agents of
265 state or federal agencies involved in (A) the delinquency proceedings,
266 (B) the provision of services directly to the child, or (C) the design and
267 delivery of treatment programs pursuant to section 46b-121j. Such
268 employees and authorized agents include, but are not limited to, law
269 enforcement officials, state and federal prosecutorial officials, school
270 officials in accordance with section 10-233h, court officials including
271 officials of both the regular criminal docket and the docket for juvenile
272 matters, officials of the Division of Criminal Justice, the Division of
273 Public Defender Services, the Department of Children and Families,
274 the Court Support Services Division, the Board of Parole and agencies

275 under contract with the [Judicial Department] judicial branch, and an
276 advocate appointed pursuant to section 54-221 for a victim of a crime
277 committed by the child. Such records shall also be available to (i) the
278 attorney representing the child, including the Division of Public
279 Defender Services, in any proceeding in which such records are
280 relevant, (ii) the parents or guardian of the child, until such time as the
281 subject of the record reaches the age of majority, (iii) the subject of the
282 record, upon submission of satisfactory proof of the subject's identity,
283 pursuant to guidelines prescribed by the Office of the Chief Court
284 Administrator, [and] provided the subject has reached the age of
285 majority, (iv) law enforcement officials and prosecutorial officials
286 conducting legitimate criminal investigations, and (v) a state or federal
287 agency providing services related to the collection of moneys due or
288 funding to support the service needs of eligible juveniles, provided
289 such disclosure shall be limited to that information necessary for the
290 collection of and application for such moneys. Such records disclosed
291 pursuant to this subsection shall not be further disclosed, except that
292 information contained in such records may be disclosed in connection
293 with bail or sentencing reports in open court during criminal
294 proceedings involving the subject of such information.

295 [(d)] (e) The record of the case of a juvenile matter involving
296 delinquency proceedings, or any part thereof, may be disclosed upon
297 order of the court to any person who has a legitimate interest in the
298 information and is identified in such order. Records disclosed
299 pursuant to this subsection shall not be further disclosed.

300 [(e)] (f) The record of the case of a juvenile matter involving
301 delinquency proceedings, or any part thereof, shall be available to the
302 victim of the crime committed by such child to the same extent as the
303 record of the case of a defendant in a criminal proceeding in the
304 regular criminal docket of the Superior Court is available to a victim of
305 the crime committed by such defendant. The court shall designate an
306 official from whom such victim may request such information. Records
307 disclosed pursuant to this subsection shall not be further disclosed.

308 [(f)] (g) Information concerning a child who has escaped from a
309 detention center or from a facility to which he has been committed by
310 the court or for whom an arrest warrant has been issued with respect
311 to the commission of a felony may be disclosed by law enforcement
312 officials.

313 [(g)] (h) Nothing in this section shall be construed to prohibit any
314 person employed by the [Judicial Department] judicial branch from
315 disclosing any such records, information or files in his possession to
316 any person employed by the Division of Criminal Justice as a
317 prosecutorial official, inspector or investigator who, in the
318 performance of his duties, requests such records, information or files,
319 nor shall such employee of said division be prohibited from disclosing
320 any records, information or files in his possession to any such
321 employee of the [Judicial Department] judicial branch who, in the
322 performance of his duties, requests such records, information or files.

323 [(h)] (i) A state's attorney shall disclose to the defendant or his
324 counsel in a criminal prosecution, without the necessity of a court
325 order, exculpatory information and material contained in any record
326 disclosed to such state's attorney pursuant to this section and may
327 disclose, without a court order, information and material contained in
328 any such record which could be the subject of a disclosure order.

329 Sec. 9. Subsection (a) of section 51-1a of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective*
331 *October 1, 2003*):

332 (a) The Judicial Department of the state shall consist of the Supreme
333 Court, the Appellate Court, the Superior Court, [the courts of probate,]
334 the Office of the Chief Court Administrator [, the Commission on
335 Official Legal Publications] and their employees and divisions, the
336 courts of probate, and, as provided in chapter 887, the Public Defender
337 Services Commission. For the purposes of the general statutes, "judicial
338 branch" means the Judicial Department.

339 Sec. 10. Subsection (b) of section 51-164n of the general statutes is
340 repealed and the following is substituted in lieu thereof (*Effective*
341 *October 1, 2003*):

342 (b) Notwithstanding any provision of the general statutes to the
343 contrary, any person who is alleged to have committed (1) a violation
344 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-
345 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,
346 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 []
347 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6)
348 of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
349 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
350 140, 13a-143b, 13a-247 [] or 13a-253, subsection (f) of section 13b-42,
351 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
352 13b-410b [] or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
353 section 13b-414, subsection (d) of section 14-12, section 14-20a [] or 14-
354 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
355 section 14-43, 14-49, 14-50a [] or 14-58, subsection (b) of section 14-66,
356 section 14-66a, 14-66b [] or 14-67a, subsection (f) of section 14-80h,
357 section 14-97a, [section] 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-
358 152, 14-153 [] or 14-163b, a first violation as specified in subsection (f)
359 of section 14-164i, section 14-219 as specified in subsection (e) of said
360 section, section 14-240, 14-249 [] or 14-250, subsection (a), (b) or (c) of
361 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,
362 14-278 [] or 14-279, subsection (e) of section 14-283, section 14-291, 14-
363 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 [] or 14-332a,
364 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
365 (a) of section 15-115, section 16-256, 16-256e, 16a-15 [] or 16a-22,
366 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
367 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-451
368 [] or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
369 19a-39 [] or 19a-87, subsection (b) of section 19a-87a, section 19a-91,
370 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
371 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
372 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 [] or 20-

373 324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
 374 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21,
 375 21a-25, 21a-26 [.] or 21a-30, subsection (a) of section 21a-37, section 21a-
 376 46, 21a-61, 21a-63 [.] or 21a-77, subsection (b) of section 21a-79, section
 377 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-
 378 29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
 379 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
 380 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 [.] or 22-342,
 381 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
 382 413, 22-414, 22-415, 22a-66a [.] or 22a-246, subsection (a) of section 22a-
 383 250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37,
 384 23-38, 23-46 [.] or 23-61b, subsection (a) or (b) of section 23-65, section
 385 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
 386 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,
 387 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-
 388 109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-
 389 341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
 390 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
 391 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a [.] or 31-54, subsection
 392 (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-
 393 89b [.] or 31-134, subsection [(g)] (i) of section 31-273, section 31-288,
 394 36a-787, 42-230, 45a-450, 45a-634 [.] or 45a-658, subdivision (13) or (14)
 395 of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47,
 396 49-8a, 49-16 [.] or 53-133, subsection (a) or (b) of section 53-211, or
 397 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
 398 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
 399 provisions of chapter 268, or (3) a violation of any regulation adopted
 400 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
 401 shall follow the procedures set forth in this section.

402 Sec. 11. Subsection (a) of section 51-247 of the general statutes is
 403 repealed and the following is substituted in lieu thereof (*Effective*
 404 *October 1, 2003*):

405 (a) Each full-time employed juror shall be paid regular wages by

406 [his] the juror's employer for the first five days, or part thereof, of [his
407 juror] jury service. Such payment shall be subject to the requirements
408 of section 31-71b and any employer who violates this section shall be
409 subject to the provisions of sections 31-71g and 31-72. A person shall
410 not be considered a full-time employed juror on any day of [juror] jury
411 service in which such person (1) would not have accrued regular
412 wages to be paid by the employer if such person were not serving as a
413 juror on that day, or (2) would not have worked more than one-half of
414 a shift which extends into another day if such person were not serving
415 as a juror on that day. Each juror not considered a full-time employed
416 juror on a particular day of [juror] jury service pursuant to subdivision
417 (1) or (2) [above] of this subsection shall be reimbursed by the state for
418 necessary out-of-pocket expenses incurred during that day of [juror]
419 jury service, provided such day of service is within the first five days,
420 or part thereof, of [juror] jury service. Each part-time employed juror
421 and unemployed juror shall be reimbursed by the state for necessary
422 out-of-pocket expenses incurred during the first five days, or part
423 thereof, of [juror] jury service. Necessary out-of-pocket expenses shall
424 include, but not be limited to, twenty cents for each mile of travel from
425 [his] the juror's place of residence to the place of holding the court and
426 return, and shall exclude food. The mileage shall be determined by the
427 shortest direct route either by highway or by any regular line of
428 conveyance between the points. A reimbursement award under this
429 [subdivision] subsection for each day of service shall not be less than
430 twenty dollars nor more than fifty dollars. For the purposes of this
431 [subdivision, a] subsection, "full-time employed juror" means an
432 employee holding a position normally requiring thirty hours or more
433 of service in each week, which position is neither temporary nor
434 casual, and includes an employee holding a position through a
435 temporary help service, as defined in section 31-129, which position
436 normally requires thirty hours or more of service in each week, who
437 has been working in that position for a period exceeding ninety days,
438 and [a] "part-time employed juror" means an employee holding a
439 position normally requiring less than thirty hours of service in each

440 week or an employee working on a temporary or casual basis. In the
441 event that a juror may be considered to be both a full-time employed
442 juror and a part-time employed juror for any day of the first five days,
443 or part thereof, of [juror] jury service, such juror shall, for the purposes
444 of this section, be considered to be a full-time employed juror only.

445 Sec. 12. Section 52-80 of the general statutes is repealed and the
446 following is substituted in lieu thereof (*Effective October 1, 2003*):

447 If the plaintiff, in any action returned to court and entered in the
448 docket, does not, on or before the opening of the court on the second
449 day thereof, appear by himself or attorney to prosecute such action, he
450 shall be nonsuited, in which case the defendant, if he appears, shall
451 recover costs from the plaintiff. [The plaintiff may withdraw any
452 action so returned to and entered in the docket of any court, before the
453 commencement of a hearing on the merits thereof. After the
454 commencement of a hearing on an issue of fact in any such action, the
455 plaintiff may withdraw such action, or any other party thereto may
456 withdraw any cross complaint or counterclaim filed therein by him,
457 only by leave of court for cause shown.]

458 Sec. 13. Subsection (a) of section 52-190a of the general statutes is
459 repealed and the following is substituted in lieu thereof (*Effective*
460 *October 1, 2003*):

461 (a) No civil action shall be filed to recover damages resulting from
462 personal injury or wrongful death occurring on or after October 1,
463 1987, whether in tort or in contract, in which it is alleged that such
464 injury or death resulted from the negligence of a health care provider,
465 unless the attorney or party filing the action has made a reasonable
466 inquiry as permitted by the circumstances to determine that there are
467 grounds for a good faith belief that there has been negligence in the
468 care or treatment of the claimant. The complaint or initial pleading
469 shall contain a certificate [, on a form prescribed by the rules of the
470 superior court,] of the attorney or party filing the action that such
471 reasonable inquiry gave rise to a good faith belief that grounds exist

472 for an action against each named defendant. For the purposes of this
473 section, such good faith may be shown to exist if the claimant or his
474 attorney has received a written opinion, which shall not be subject to
475 discovery by any party except for questioning the validity of the
476 certificate, of a similar health care provider, as defined in section 52-
477 184c, which similar health care provider shall be selected pursuant to
478 the provisions of said section, that there appears to be evidence of
479 medical negligence. In addition to such written opinion, the court may
480 consider other factors with regard to the existence of good faith. If the
481 court determines after the completion of discovery, that such certificate
482 was not made in good faith and that no justiciable issue was presented
483 against a health care provider that fully cooperated in providing
484 informal discovery, the court upon motion or upon its own initiative,
485 shall impose upon the person who signed such certificate, a
486 represented party or both, an appropriate sanction, which may include
487 an order to pay to the other party or parties the amount of the
488 reasonable expenses incurred because of the filing of the pleading,
489 motion or other paper, including a reasonable attorney's fee. The court
490 may also submit the matter to the appropriate authority for
491 disciplinary review of the attorney if the claimant's attorney submitted
492 the certificate.

493 Sec. 14. Section 54-86e of the general statutes is repealed and the
494 following is substituted in lieu thereof (*Effective October 1, 2003*):

495 The name and address of the victim of a sexual assault under
496 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
497 risk of injury, or impairing of morals under section 53-21, or of an
498 attempt thereof, shall be confidential and shall be disclosed only upon
499 order of the Superior Court, except that (1) such information shall be
500 available to the accused in the same manner and time as such
501 information is available to persons accused of other criminal offenses,
502 (2) such information shall be available to judicial branch employees in
503 accordance with policies and procedures adopted by the Chief Court
504 Administrator, and ~~[(2)]~~ (3) if a protective order is issued in a

505 prosecution under any of said sections, the name and address of the
506 victim, in addition to the information contained in and concerning the
507 issuance of such order, shall be entered in the registry of protective
508 orders pursuant to section 51-5c.

509 Sec. 15. (*Effective October 1, 2003*) Sections 52-82, 54-123b and 54-123c
510 of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>

Statement of Purpose:

To clarify the term "judicial branch"; to give the judicial branch explicit authority to tow unauthorized vehicles from property under its control; to replace an obsolete reference to the "advisory board" with a reference to the "judicial branch"; to allow the judicial branch to notify the Department of Environmental Protection of certain boating convictions electronically; to conform certain domestic violence statutes to current law; to allow, rather than require, judges presiding over juvenile matters to exclude certain parties from the courtroom; to clarify that certain juvenile records are confidential; to repeal statutory provisions regarding withdrawal of lawsuits in order that Superior Court rules shall govern such withdrawals; to provide for Labor Department enforcement of current statutes requiring compensation of jurors; to eliminate obsolete language regarding certificates in medical

malpractice cases; to clarify that judicial branch employees have access to the name and address of victims of sexual assault to the extent necessary for such employees to perform their duties; and to make various technical changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]